

**IOWA DEPARTMENT OF NATURAL RESOURCES
ADMINISTRATIVE CONSENT ORDER**

IN THE MATTER OF: CITY OF CORALVILLE NPDES Permit #5208001	AMENDED ADMINISTRATIVE CONSENT ORDER NO. 2013-WW-04-A1
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TO: Dan Holderness
City Engineer
City Hall
1512 7th Street
Coralville, IA 52241-0127

I. SUMMARY

This amended administrative consent order (Amended Order) is entered into between the City of Coralville (Coralville) and the Iowa Department of Natural Resources (DNR) for the purpose of achieving and maintaining compliance with applicable effluent and water quality standards for the operation of a wastewater disposal system. Pursuant to this Amended Order, Coralville shall comply with the compliance schedule contained herein.

Any questions regarding this Order should be directed to:

Relating to technical requirements:

Paul Brandt
IDNR Field Office #6
1023 W. Madison
Washington, IA 52353
Ph: 319-653-2135

Relating to this Order:

Jon C. Tack
Legal Services Bureau
Iowa Department of Natural Resources
Henry A. Wallace Building
Des Moines, Iowa 50319-0034
Ph. 515-281-8889

II. JURISDICTION

This Order is issued pursuant to Iowa Code section 455B.175(1) which authorizes the Director to issue any order necessary to secure compliance with or prevent a violation of Iowa Code chapter 455B, Division III, Part 1, and the rules promulgated or permits issued pursuant thereto; and Iowa Code section 455B.109 and chapter 567 Iowa Administrative Code (IAC) 10 which authorize the Director to assess administrative penalties.

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III. STATEMENT OF FACTS

1. Coralville owns and operates a sequencing batch reactor (SBR) wastewater treatment facility with ultra-violet light disinfection of the wastewater. Effluent is discharged to the Iowa River. Due to the growth of Coralville, the wastewater treatment facility has been operating at slightly over its organic loading design capacity for several years. Phase 1 of planned facility improvements was completed and became operational in late 2011. Phase 2 of the planned facility improvements is currently in the design and planning stage.

2. – 5. Paragraphs 2 through 5, inclusive, of Administrative Order No. 2013-WW-04 are incorporated herein by reference.

6. On or before November 14, 2014, Coralville notified the DNR that significant modifications had been made to the proposed wastewater treatment improvements to be undertaken pursuant to the administrative order. These revisions will increase the ultimate capacity of the Coralville wastewater treatment facility. Due to these revisions, Coralville requested an extension of the construction period set forth in the administrative order.

7. On December 1, 2014, Coralville submitted a written request to extend the construction schedule established by the administrative order.

8. The DNR finds that the extension of the construction schedule will increase the ultimate treatment capacity of the Coralville wastewater treatment facility and such extension should be granted.

IV. CONCLUSIONS OF LAW

The Department and Coralville agree that the following Conclusions of Law are applicable to this matter:

1. Iowa Code section 455B.186 prohibits the discharge of pollutants into waters of the state, except for adequately treated pollutants discharged pursuant to a permit. Discharges in violation of Coralville's permit are violations of section 455B.186.

2. Iowa Code section 455B.173(3) authorizes and requires the Environmental Protection Commission (Commission) to promulgate rules relating to the operation of waste disposal systems, the discharge of pollutants into waters of the state, and the issuance of permits to waste disposal systems. The Commission has done so at 567 IAC 60 through 69. Subrule 64.3(1) prohibits the operation of a waste disposal system without or contrary to the terms of a permit. Subrule 64.6 specifies the conditions that are

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to be included in a permit, including applicable effluent limitations as established in chapters 61 and 62 of the rules.

V. ORDER

The DNR and Coralville hereby agree, and Coralville is hereby ordered to comply with the following amended schedule which supersedes and replaces the schedule set forth in Administrative Order No. 2013-WW-04:

1. Coralville has submitted an antidegradation analysis to the DNR in relation to the planned Phase 2 wastewater facility improvements. Within 30 days of DNR approval of the submitted antidegradation analysis for Phase 2, Coralville shall submit to the Department an updated facility plan which includes a schedule for the completion of Phase 2 wastewater facility improvements.

2. Within 12 months of DNR approval of the updated facility plan, Coralville shall submit a completed construction permit application, plans, and specifications to the Department for the Phase 2 wastewater facility improvements.

3. Within 90 days of Coralville's submittal of a completed construction permit application, plans, and specifications to the Department for the Phase 2 wastewater facility improvements, the DNR shall approve or deny the issuance of a construction permit for such improvements.

4. Within 60 days of the issuance of a construction permit by the Department, Coralville shall begin construction of the Phase 2 wastewater facility improvements.

5. Within 27 months of the start of construction, Coralville shall substantially complete construction of the Phase 2 wastewater facility improvements. Coralville and the DNR agree that this schedule is intended to result in the completion of the wastewater facility improvements by November 30, 2018. Unanticipated delays or expediency during the review and approval process may alter the final completion date.

6. Pursuant to the terms of Administrative Order No. 2013-WW-04, Coralville paid an administrative penalty in the amount of \$6,500 on or about February 14, 2013.

VI. PENALTY

1. Iowa Code section 455B.191 authorizes the assessment of civil penalties of up to \$5,000.00 per day of violation for the violations involved in this matter.

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2. Iowa Code section 455B.109 authorizes the Commission to establish by rule a schedule of civil penalties up to \$10,000 that may be assessed administratively. The Commission has adopted this schedule with procedures and criteria for assessment of penalties at Chapter 567 IAC 10. Pursuant to the terms of Administrative Order No. 2013-WW-04, Coralville paid an administrative penalty in the amount of \$6,500 on or about February 14, 2013. No further penalty is warranted at this time.

VII. WAIVER OF APPEAL RIGHTS

Iowa Code section 455B.175(1) and 561 IAC 7.4(1), as adopted by reference by 567 IAC chapter 7, authorize a written notice of appeal to the Commission. This Amended Order is entered into knowingly by and with the consent of Coralville. By signature to this Amended Order, all rights to appeal this Amended Order are waived.

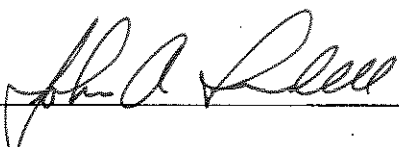
VIII. NONCOMPLIANCE

Compliance with section V of this Order constitutes full satisfaction of all requirements pertaining to the violations described in this Order. Failure to comply with this Order may result in the imposition of administrative penalties pursuant to an administrative order or referral to the Attorney General to obtain injunctive relief and civil penalties pursuant to Iowa Code section 455B.191.



CHUCK GIPP, DIRECTOR
IOWA DEPARTMENT OF NATURAL RESOURCES

Dated this 16th day of
April, 2015



CITY OF CORALVILLE

Dated this 7 day of
April, 2015

NPDES #5208001; Field Office #6; Jon Tack; EPA; WES; I.B.2.c